

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 21-CR-10256-IT

UNITED STATES OF AMERICA

v.

KINGSLEY R. CHIN, ADITYA HUMAD,
and SPINEFRONTIER, INC.

FINAL STATUS REPORT
AND ORDER OF EXCLUDABLE DELAY

October 30, 2023

KELLEY, U.S.M.J.

Defendants had a final status conference today, October 30, 2023. The parties reported that they are ready to go to the District Court for a pretrial conference. This court makes the following findings.

Discovery is substantially complete.

Defendants do not intend to raise a defense of public authority, alibi or insanity. At the pretrial conference, the government may ask that the court set a date by which the defendants shall notify the government if they intend to raise a defense of advice of counsel.

Defendants will ask the court to set a schedule for the filing of dispositive motions at the pretrial conference.

The parties will ask the court to set dates for expert discovery disclosures at the pretrial conference.

A trial will take three to five weeks on a half-day schedule.

This court finds and concludes, pursuant to the provisions of 18 U.S.C. § 3161(h)(8) and Section 5(b)(7)(b) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, Effective December 2008), that the interests of justice, i.e., allowing the parties time prior to their

appearance before the District Court to prepare the case, outweighs the best interests of the public and the defendants for a trial within seventy days of the return of an indictment. Accordingly, it is hereby ordered that, the Clerk of this Court enter excludable time for the period of October 30, 2023, to the date of the parties' appearance before the District Court.¹

/ s / M. Page Kelley
M. PAGE KELLEY
UNITED STATES MAGISTRATE JUDGE

¹The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Keating v. Secretary of Health and Human Services, 848 F.2d 271 (1st Cir. March 31, 1988); United States v. Emiliano Valencia-Copete, 792 F.2d 4 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980); United States v. Vega, 678 F.2d 376, 378-379 (1st Cir. 1982); Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985).